



Atty. Dkt. No. 071949-5914

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kingsmore et al.
Title: BIOMARKERS FOR SEPSIS
Appl. No.: 10/759,216
Filing Date: 1/20/2004
Examiner: Hines, Jana A.
Art Unit: 1645
Confirmation Number: 6434

<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p align="center"><u>ANITA PATEL</u> (Printed Name)</p> <p align="center"><u>[Signature]</u> (Signature)</p> <p align="center"><u>NOVEMBER 14, 2006</u> (Date of Deposit)</p>

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment-IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

A full English translation of the foreign-language document WO 2004/087949 (reference A6) is not readily available. An English language abstract appears on the first page of the publication. The absence of a complete translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 50-0872.

Respectfully submitted,

Date 11/10/2006

By Barry Wilson

FOLEY & LARDNER LLP
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431

NOV 16 2006

PTO/SB/08 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/759,216
Filing Date	1/20/2004
First Named Inventor	Stephen F. Kingsmore
Art Unit	1645
Examiner Name	Hines, Janna A.
Attorney Docket Number	071949-5914

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	2005/0196817	09-08-2005	Kingsmore et al.	
	A2	6190872	02-20-2001	Slotman	

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Application Document	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Serial Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	A3	WO03/073099	09-04-2003	Biomerieux, Inc.		
	A4	WO2004/043236	05-27-2004	Becton, Dickerson and Co.		
	A5	WO2004/044555	05-27-2004	Becton, Dickerson and Co.		
	A6	WO2004/087949	10-14-2004	Sirs-Lab GMBH		
	A7	WO2005/048823	06-02-2005	Janssen Pharmaceuticals, Inc.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A8	Becker et al., "Procalcitonin and the calcitonin gene family of peptides in inflammation, infection, and sepsis: A journey from calcitonin back to its precursors." The Journal of Clinical Endocrinology and Metabolism, 89(4): 1512-1525, 2004.	
	A9	Biasucci, "CDC/AHA workshop on markers of inflammation and cardiovascular disease. Application to clinical and public health practice. Clinical use of inflammatory markers in patients with cardiovascular diseases. A background paper." Circulation, 110:e560-e567, 2004.	
	A10	Delogu et al., "Serum neopterin and soluble interleukin-2 receptor for prediction of a shock state in gram-negative sepsis." Journal of Critical Care, 10(2): 64-71, 1995.	

Examiner
SignatureDate
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
			Application Number	10/759,216
			Filing Date	1/20/2004
			First Named Inventor	Stephen F. Kingsmore
			Art Unit	1645
Examiner Name	Hines, Janna A.			
Attorney Docket Number	071949-5914			
Sheet	2	of	3	

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶	
	A11	Fassbender et al., "Changes in coagulation and fibrinolysis markers in acute ischemic stroke treated with recombinant tissue plasminogen activator." Stroke: 30:2101-2104, 1999.		
	A12	Freitag et al., "Plasma brain natriuretic peptide levels and blood pressure tracking in the Framingham heart study." Hypertension, 41:978-983, 2003.		
	A13	Hausfater et al., "Usefulness of procalcitonin as a marker of systemic infection in emergency department patients: A prospective study." Clinical Infectious Diseases, 34:895-901, 2002.		
	A14	Lein et al., "Metalloproteinases (MMP-1, MMP-3) and their inhibitors (TIMP) in blood plasma of patients with prostate carcinoma." Urologe A., 37(4): 377-381, 1998. English Abstract only		
	A15	Liras et al., "Clinical value of an automated granulocyte elastase assay in predicting severity of acute pancreatitis." Rev.Esp.Enferm.Dig., 87(9): 641-52, 1995. English abstract only		
	A16	Lundblad and Giercksky, "Endothelin concentrations in experimental sepsis: Profiles in big endothelin and endothelin 1-21 in lethal peritonitis in rats." Eur.J.Surg., 161:9-16, 1995.		
	A17	Mitaka et al., "Endothelin-1 and atrial natriuretic peptide in septic shock." Am.Heart Journal, 126:466-468, 1993.		
	A18	Murdoch and Finn, "The Role of chemokines in sepsis and septic shock." In Herwald (ed.): Host response mechanisms in infectious diseases. Contri. Microbiol. Basel, Karger, Vol. 10, p. 38-57, 2003.		
	A19	Takano et al., "Markers of a hypercoagulable state following acute ischemic stroke," Stroke, 23:194-198 (1992).		
	A20	Traber, "Tumor necrosis factor and endothelins: Team players in shock?" J.Lab Clin Med: 124:746-747, 1994.		

Examiner Signature		Date Considered	
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	A21	Verweij et al., Full-length von Willebrand factor (vWF) cDNA encodes a highly repetitive protein considerably larger than the mature vWF subunit." The EMBO Journal, 5(8): 1839-1847, 1986.	

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